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Attorney State Bar No. 51611

Attorney for Material Witnesses:

MING ZHOU ZHU  
LIANGNENG JIANG  
YUHAI WANG  
XUZAI DONG  
LIQIU LIN

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
(Honorable RUBEN B. BROOKS)

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHEONG SAU WONG,  
XU JUN LEE

Defendants.

) CRIMINAL CASE 08CR0396-JLS  
) MAGISTRATE CASE 08MJ8096-PCL  
) DATE: March 13, 2008  
) TIME: 9:00 A.M.

) DECLARATION OF ATTORNEY  
) AL SMITHSON IN SUPPORT  
) OF MOTION FOR ORDER  
) SETTING VIDEO DEPOSITION  
) OF MATERIAL WITNESSES  
) MING ZHOU ZHU  
) LIANGNENG JIANG  
) YUHAI WANG  
) XUZAI DONG  
) LIQIU LIN

I.

INTRODUCTION

I, AL SMITHSON, declare that I am an attorney, duly licensed to practice law in the State of California and in the United States District Court for the Southern District of California;

I am making this declaration on behalf of the material witnesses, MING ZHOU ZHU, LIANGNENG JIANG, YUHAI WANG, XUZAI DONG

1 and LIQIU LIN, who were arrested on or about January 29, 2008, and  
2 have remained in custody since that date.

3 The material witnesses have no friends, neighbors, or  
4 acquaintances in the United States who can qualify as an  
5 acceptable surety to accommodate their release from custody.

6 The material witnesses will have been in custody for 45 days  
7 as of the hearing date of this motion. All of them are under the  
8 age of 29. To continue to remain in custody imposes an extreme  
9 hardship on the material witnesses and on their families.

10 In view of these facts, material witnesses MING ZHOU ZHU,  
11 LIANGNENG JIANG, YUHAI WANG, XUZAI DONG and LIQIU LIN seek an Order  
12 for a video deposition from this Court. I have fully explained the  
13 procedures involved in this deposition process and received their  
14 promise of full cooperation in the video deposition process.

15 I am unaware of any reason why these witnesses should not be  
16 released from custody in this case after the video deposition  
17 pursuant to Rule 15 (a) of the Federal Rules of Criminal Procedure,  
18 and am further unaware of the existence of a statement of such  
19 reason by any other attorney on this case.

20 I believe it would be in the interests of justice to allow the  
21 testimony of these material witnesses in question to be secured by  
22 video deposition and to thereafter release the material witnesses  
23 to prevent them from suffering custody any longer than necessary in  
24 order to further justice in this case.

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1 I declare under penalty of perjury that the foregoing is true and  
2 correct.

3 DATED: February 26, 2008.

4 /s/ Al Smithson  
AL SMITHSON, Attorney for Material Witnesses  
5 MING ZHOU ZHU  
LIANGNENG JIANG  
6 YUHAI WANG  
XUZAI DONG  
7 LIQIU LIN  
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